

IN THE COURT OF GENERAL SESSIONS

Indictment No. 2012 GS 37 0597

The State of South Carolina

Notice of Motion and Motion to Restrain Parties

VS.

James Richard Bartee Jr.,
Defendant.

71-12-000NE, SC
REVEREND B. WITFIELD
CLARK, JOHN
2013 MAR 12 P 4:15

YOU WILL PLEASE TAKE NOTICE that as soon as the matter may be heard, the State of South Carolina, by and through Christina T. Adams, Solicitor for the Tenth Judicial Circuit, will move before the Presiding Judge for the Court of General Sessions for Anderson County, for an order prohibiting the parties in this case from making statements pertaining to the above captioned matter to any members of the press or news media and to refrain from commenting or posting on websites or social media outlets any information or opinions regarding the same.

This motion is made on the grounds that courts may impose restrictions when necessary to protect the integrity of the judicial system. Both the State and Defendant are entitled to a fair trial in front of an untainted jury pool. Statements to the media by defense counsel have created a reasonable likelihood that the jury pool will be tainted and the integrity of the trial compromised. Mr. Moore's detailed statements to the press are resulting in the practical nullification of the protective effect of judicial decorum and the rules of evidence. His most recent efforts to try this case in the court of public opinion are evidenced by the following¹:

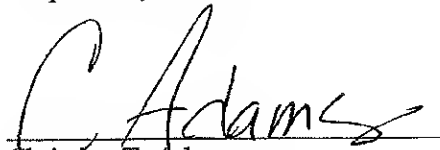
1. The interview with Dick Mangrum of WGOG on Friday, March 8, 2013 in which he accused the State of destroying the audio recording of the conversation between the Defendant and Nick Blackwell.

¹ The State vehemently denies each of the listed accusations.

2. The article that appeared in the Anderson Independent Mail on March 8, 2013 in which he accused the State of tampering with the audio recording. Mr. Moore also accuses the State of either not being truthful with the Court or destroying the audio recording since the hearing that took place on February 8, 2013. Mr. Moore also alleges that the charge brought against the defendant is politically motivated.
3. The article in the Seneca Journal/Upstate Today that appeared on March 12, 2013 in which Mr. Moore misstates the availability of the audio recording and again accuses the State of destroying the audio recording. Additionally, Mr. Moore goes on to make the inflammatory statements "I do not trust these people. I do not believe these people."

There can be no other purpose for such extrajudicial statements than to create a substantial likelihood of materially prejudicing future adjudicative proceedings on this matter. Based on the foregoing the State respectfully requests that the parties in this case be restricted from making statements pertaining to the above captioned matter to any members of the press or news media and to refrain from commenting or posting on websites or social media outlets any information or opinions regarding the same.

Respectfully Submitted,


Christina T. Adams
Tenth Circuit Solicitor

Oconee, South Carolina
March 12, 2013